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Attorneys for U.S. Bank

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

RICHARD & MARY HARTZELL,

Plaintiffs,

v.

US BANK, NA,

Defendant.

Case No. 6:10-CV-6231-HO

DEFENDANT U.S. BANK'S MOTION
TO DISMISS OR TO REQUIRE A MORE
DEFINITE STATEMENT

Defendant U.S. Bank National Association, incorrectly named in the caption of plaintiffs' Complaint as US Bank, NA ("U.S. Bank"), hereby moves to dismiss plaintiffs' claims against it, for failure to state a claim, Fed. R. Civ. P. 12(b)(6), or, in the alternative, for a more definite statement, Fed. R. Civ. P. 12(e). Pursuant to LR 7-1, the undersigned certifies that counsel for U.S. Bank has made a good faith effort to resolve the dispute through telephone conference with

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plaintiffs, but has been unable to do so.

Dated: August 12, 2010.

LARKINS VACURA LLP

/s/ William L. Larkins, Jr.

William L. Larkins, Jr. OSB #812882

Cody Hoesly OSB #052860

Attorneys for U.S. Bank

CERTIFICATE OF SERVICE

I am employed in Multnomah County, State of Oregon. I am over the age of 18 and am not a party to the within action; my business address is 621 SW Morrison St., Suite 1450, Portland, Oregon 97205.

On August 12, 2010, I served the following document(s) described as:

**DEFENDANT U.S. BANK'S MOTION TO DISMISS OR TO REQUIRE A MORE
DEFINITE STATEMENT**

on the interested parties in this action in the following manner:

BY REGULAR MAIL: I placed a copy of the document in a sealed envelope and caused such envelope to be deposited in the United States mail at Portland, Oregon, with postage thereon fully prepaid and addressed as stated below:

Richard & Mary Hartzell
4299 NE 29th St.
Redmond, OR 97756
Plaintiffs, Pro Se

Richard & Mary Hartzell
2511 NE Yucca Ave.
Redmond, OR 97756
Plaintiffs, Pro Se

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

/s/ William L. Larkins, Jr.

William L. Larkins, Jr.